

EXHIBIT 5

Donna McHugh

From: Kelly, Ty <tykelly@bakerdonelson.com>
Sent: Tuesday, July 22, 2025 1:11 PM
To: David Moon; Sydney M. Patterson; Bruce L. Marcus; Jeff M. Schwaber; Judith G. Cornwell; harry.rudo@dlapiper.com; Hamilton, David; Keats, Michael; Brown, Mike
Cc: Joyce Smithey; Reuben Wolfson; Donna McHugh; Liesel Schopler
Subject: Re: Compass Marketing - Daniel White et al. - Withdrawal of Counsel

David - Thank you for the call this afternoon. As I said, we do not take any position on your motion to withdraw as counsel, but we strongly oppose any extensions of any deadlines or a pause of any length to the litigation. I ask that you note in your motion that we oppose any requests for extensions or modifications to the schedule of any kind.

Also, as we also discussed, we also take issue with your statement that we did not clear deposition dates with you. As you know, we have sent several emails regarding all aspects of discovery to you, including an attempt to discuss service of a deposition subpoena for John White, to which we have not received any response. We intend to take John White's deposition on Sept 4 as you note below.

Thank you,
Ty Kelly

From: David Moon <David.Moon@Smitheylaw.com>
Sent: Tuesday, July 22, 2025 11:55 AM
To: Sydney M. Patterson <spatterson@marcusbonsib.com>; Bruce L. Marcus <bmarcus@marcusbonsib.com>; Jeff M. Schwaber <jschwaber@steinsperling.com>; Judith G. Cornwell <jcornwell@steinsperling.com>; harry.rudo@dlapiper.com <harry.rudo@dlapiper.com>; Hamilton, David <David.Hamilton@us.dlapiper.com>; Keats, Michael <michael.keats@friedfrank.com>; Kelly, Ty <tykelly@bakerdonelson.com>; Brown, Mike <mbrown@bakerdonelson.com>
Cc: Joyce Smithey <joyce.smithey@smitheylaw.com>; Reuben Wolfson <reuben.wolfson@smitheylaw.com>; Donna McHugh <donna.mchugh@smitheylaw.com>; Liesel Schopler <liesel.schopler@Smitheylaw.com>
Subject: Compass Marketing - Daniel White et al. - Withdrawal of Counsel

Counsel:

Smithey Law Group will be filing a Motion to Withdraw as counsel of record in this matter today. We provided notice to our client of our intent to withdraw on July 10, 2025, and we'll be raising such with the Court this afternoon.

Would you please advise if you consent to our Motion to Withdraw?

We will also be asking the Court to extend all deadlines and stay the matter for 120 days to permit Compass time to secure successor counsel and for them to get up to speed in the matter. Please also advise if you consent to that relief, too.

We will also need to postpone all scheduled litigation events in this matter given our withdrawal, including noted depositions. I believe a deposition of John White was noted today for September 4,

2025. I am not sure of the deponent's availability. I understand this most recent notice is intended to reschedule the deposition that had been noted for this Thursday although that date was not first cleared with us either. In any event, I understand John White is unavailable this week.

Thanks, and if you would let us know your respective positions on the above motions as soon as possible today, that would be much appreciated.

David M. E. Moon, Esq. (he/him)

Partner

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